

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Nos. C 13-1513 CW
C 13-1888 CW

In re: Bk. Nos. 12-32655-HLB
12-03183-HLB
Robert Franklin Van Zandt, 12-03184-HLB
Debtor. ORDER DISMISSING APPEALS
(Case Nos. 13-1513 and
13-1888)

Debtor Robert Franklin Van Zandt has filed four separate appeals challenging orders of the Bankruptcy Court. Two of the cases Mr. Van Zandt has filed are appeals from orders denying motions to dismiss two separate adversary cases in the Bankruptcy Court. See BK No. 12-03183, Docket No. 37, BK No. 12-03184, Docket No. 29. "Because an order denying a motion to dismiss is an interlocutory order, there is no direct right of appeal." Betta Prods., Inc. v. Distributions Sys. & Servs., Inc. (In re Betta Prods.), 2007 U.S. Dist. LEXIS 81621, *3 (N.D. Cal.).

District courts have the discretion to grant leave to appeal interlocutory bankruptcy court orders and may consider a notice of appeal as a motion for leave to appeal. 28 U.S.C. § 158(3); Fed. R. Bankr. P. 8003(c). In considering whether leave should be granted, the Court will look to 28 U.S.C. § 1292(b). In re Betta Prods., 2007 U.S. Dist. LEXIS 81621 at *3; In re Sperna, 173 B.R.

1 654, 658 (9th Cir. BAP 1994). Pursuant to that section, review of
2 an interlocutory order is appropriate when

3 such order involves a controlling question of law as to
4 which there is substantial ground for difference of
5 opinion and that an immediate appeal from the order may
6 materially advance the ultimate termination of the
7 litigation.

8 28 U.S.C. § 1292(b).

9 The Court finds that the Bankruptcy Court's orders denying
10 Mr. Van Zandt's motions to dismiss these adversary proceedings
11 fail to meet this standard. The Court construes Mr. Van Zandt's
12 Notices of Appeal in Docket Nos. 13-1513 and 13-1888 to be motions
13 for leave to appeal an interlocutory order and denies both
14 motions. Accordingly, the Court DISMISSES Docket Nos. 13-1513 and
15 13-1888.

16 IT IS SO ORDERED.

17 Dated: 5/1/2013

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19 CLAUDIA WILKEN
20 United States District Judge
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